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GOVERNMENT OF PALESTINE

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UNTIL

1975

EXECUTIVE COUNCIL
DECISIONS

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385

1924

CHIEF SECRETARY'S

OFFICE,

JERUSALEM

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MINUTES OF THE EXECUTIVE COUNCILSEVENTEENTH MEETING.HELD AT GOVERNMENT HOUSE AT 10.15 a.m. ON10th January 1924.

Present: His Excellency the High Commissioner,
the Right Honourable Sir Herbert Samuel;
Sir Gilbert Clayton, Chief Secretary;
Mr. N. de M. Bentwich, Attorney General;
Mr. S.S. Davis, Treasurer.

1. The minutes of the previous meeting are read and confirmed.

Report of the
Committee of
Enquiry into
the conduct of
Mr. S. Haddad,
Superintendent
of Customs.

2. After considering the report of the Committee His Excellency is of opinion that it is difficult to resist the conclusion that there had been conspiracy on the part of Mr. Haddad.

The Attorney General states that while there was no direct evidence of fraud, which is always extremely hard to prove, he considers that there are grounds for dismissal.

The Chief Secretary states that, as Mr. Haddad had only been charged with negligence before the Committee, and in view of the evidence brought before the Committee, he does not consider that there are grounds for dismissal. He is of opinion that Mr. Haddad should be reduced in grade and placed in a post of less responsibility. The Treasurer agrees.

His Excellency the High Commissioner directs, with the approval of the Council, that a despatch be sent to the Secretary of State requesting him to authorise the reduction of Mr. Haddad to Grade I of the Junior Service, at a salary of £E.396 per annum.

Removal of Jail
Labour Company
from Sarafand. (in
attendance Inspec-
tor General,
Police & Prisons.)

3. The Council approves the proposal to remove the Jail Labour Company from Sarafand to Haifa for work on the erection of the Railway Workshops there.

4. The Chief/

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Draining of
Kishon Marshes.
(In attendance
Director of
Health and Dir-
ector of Public
Works.

4. The Chief Secretary states that several proposals had been made for the carrying out of this work. Before giving further consideration to these proposals, he wishes to ascertain whether there would be money available for the work.

His Excellency states that he had recently discussed with Mr. Nathan Straus the question of anti-malarial work in Palestine. Mr. Straus had been very favourably impressed with the work which had already been carried out and had promised to discuss the matter with Mr. Rockefeller, who he thought, might be willing to provide money for the extension of the work.

The Director of Public Works states that the work might be affected by the proposed harbour works. If the site he proposes is selected, the anti-malarial scheme would be carried out as part of the general work on the harbour.

His Excellency states that he considers that the proposals should be further considered. The draining of these marshes affects the Railway Workshops, the Quarantine Depot and the whole development of that part of Haifa. It would also be well if the locality were made healthy before the workmen are brought in to work on the port.

His Excellency directs, Council agreeing, that a Committee be appointed, consisting of the Director of Health, the Director of Public Works, and the General Manager of the Railways, to consider the matter. The Committee would consult the Deputy Inspector General, Police and Prisons in regard to what prison labour could be made available. The Committee would also consider the relation of this work to possible harbour works if site B were chosen; and take up this question with the private interests concerned with a view to ascertaining what financial assistance could be obtained from them.

Tobacco Tax.

5. The period of reduction of the tax on locally grown tobacco from £E.4 per dunam to £E.2 per dunam expires on the 1st of January, 1924. The Director of Agriculture has recommended that the reduced rate of tax should be continued for a further period. It had also been recommended that the tax should not be collected until December 1st.

The Chief Secretary states that there is at present great enthusiasm for tobacco cultivation which should be encouraged.

The Treasurer/

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The Treasurer states that Mr. F.G. Lowick, District Officer, Acre, had prepared a scheme for the encouragement of tobacco-growing through a cooperative society which is still under discussion. He, therefore, recommends that this question be postponed for the time being, as the tax in respect of the last harvest will only be collected in July or August.

His Excellency directs that consideration of this question be postponed until Mr. Lowick's proposals are sufficiently advanced, and that the Director of Agriculture be consulted as to the period of the year during which it is most advantageous for the cultivators to pay the tax.

Turkish Petroleum Company.

6. In view of the fact that the Turkish Petroleum Company have decided to abandon work in Palestine, the Chief Secretary enquires whether it is possible to take any steps to interest any other parties. The Council decides that no steps can be taken at present.

Death Sentence on Salem Salameh El Nattar.

7. His Excellency the High Commissioner, with the approval of the Council, confirms the death sentence on Salem Salameh El Nattar.

Accommodation of Clerks at Beisan.

8. The Council decides that the grant of free accommodation to officers stationed at Beisan, and the allowance of £E.2 a month to officers not allotted accommodation, should cease from the 1st of January, 1924. The Council directs that it should be notified to all concerned that Civil Secretary's circular of the 23rd of December, 1920, making officers stationed at Beisan, Beersheba, Jericho and Kantara, eligible for an additional day's leave for each completed month's service in these stations, was cancelled by subsequent Leave Regulations.

Municipal Co-operation in the maintenance of Government Hospitals.

9. With a view to effecting reductions in the Government expenditure on hospitals, the Director of Health has been negotiating with the Municipalities of Nablus, Gaza, Jerusalem, Jaffa, and Acre, to induce them to undertake a share of the responsibility for debits on the hospitals in these towns. He anticipates that if the co-operation of the Municipalities mentioned is obtained, their contributions during the coming financial year will amount to about £E.5,500. Against this there will be a loss of revenue to the Government of nearly £E.1000. The proposals generally are that a hospital Committee should be formed, consisting of representatives of the Government, the Department of Health and the Municipality. The Government would appoint and pay the salaries of Medical Officers, Matron and Dispenser. The

Municipality/

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Municipality would receive through the Committee all hospital fees and pay for nurses, attendants and labour service as well as for cost of hospital, diets, lighting, etc., and repairs to buildings. Drugs, dressings and special hospital equipment will be supplied by the Government. This proposal is advanced in order gradually to educate the Municipalities in hospital administration by first giving them the management of the less technical branches, and year by year increasing the extent of their responsibility and liability under the guidance of the Department of Health, for so long as it is necessary. The Council approves of the proposals of the Director of Health.

Haifa Water
Supply.

10. The Palestine Corporation Limited have put forward a proposal for the installation of Water Works at Haifa, or that they should form a Water Works Company which would be allowed to operate for a certain period and collect revenues.

His Excellency states that it should be considered whether a Water Board should not be formed consisting of representatives of the Government, the Municipality of Haifa, the Municipality of Acre, and the Palestine Corporation Limited, and that the Board should be authorised to borrow money and to raise revenue either by a rate or from the sale of water.

The Council decides that a Committee should be formed consisting of the District Governor Northern District, the Director of Health and the Director of Public Works to consider this question.

Minutes read and confirmed.

Herbert Samuel

Feb 6th 1924

HIGH COMMISSIONER.

MINUTES OF THE 18TH MEETING OF THE EXECUTIVE COUNCIL

HELD AT GOVERNMENT HOUSE

on the 24th January, 1924.

PRESENT:-

His Excellency the High Commissioner, The Right Honourable Sir Herbert Samuel.
Sir Gilbert Clayton, Chief Secretary.
Mr. N. Bentwich, Attorney-General.
Mr. S.S.Davis, Treasurer.

Report of the
Committee
Respecting
Customs exemp-
tions.

In attendance
Director of
Customs and Trade
and Director of
Education.)

1. Mr. Davis presents the report of the Committee respecting Customs.

With regard to the schedule of exemptions for schools, His Excellency points out that the proposal to exempt Charitable Institutions only is not in accordance with the undertakings given to the Italian Government by the Foreign Office. These undertakings would necessarily apply equally to French and all other foreign schools, and it would not be possible to put local schools in a worse position.

The Director of Education states that it would be very difficult to apply the definition "schools and other educational institutions maintained entirely or partly by charitable or philanthropic societies."

The Council decides that the schedule should be amended to apply to institutions maintained by a responsible body or person. It is also decided that in the case of orphanages and alms-houses clothing for inmates should be admitted free. The Customs Exemptions Committee will revise the schedule in accordance with these amendments.

With regard to agricultural exemptions the Committee will consider whether the existing immunity of special kinds of vines should not be continued.

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In the schedule of exemptions for industrial machinery a distinction is drawn between steam and electrical prime movers, the latter not being exempt. The Committee will consider this matter further.

The Council decides that the existing practice should be continued, if it is in accordance with the recommendations of the Committee, pending legislation which would give the practice statutory sanction. If any urgent question arises of applying the recommendations of the Committee in particular cases, the matter should be referred again to the Council.

payment of
fee to Mr.
Dowson for his
report.

2. The Chief Secretary states that Mr. Dowson was invited to visit Palestine and submit a report on certain questions. No arrangements have been made in regard to the payment of a fee or for his expenses which were not considerable.

The Council decides that a despatch be sent to the Secretary of State recommending that a fee of £E.200 or £E.150 should be paid to Mr. Dowson.

Excise of
fine.

3. It is reported that certain Latin convents have refused to admit Government Excise Assessors without an order from the French Consul-General.

It is decided that this matter does not relate strictly to capitulatory rights, which have been withdrawn, and that it is necessary to continue to act in accordance with the Ottoman Regulations in a case such as this where express provision is made for special protection of foreign subjects, until fresh legislation is introduced.

Minutes read and confirmed.

Herbert Samuel

HIGH COMMISSIONER.

Feb 21st 1924

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MINUTES OF THE 19TH MEETING OF THE EXECUTIVE COUNCIL

HELD AT GOVERNMENT HOUSE

ON THE 6TH FEBRUARY, 1924.

Present: The Right Honourable Sir Herbert Samuel;
Sir G. Clayton, Chief Secretary;
Mr. N. Bentwich, Attorney General;
Mr. S.S. Davis, Treasurer.

1. Minutes of previous meeting read and confirmed.

2. In the absence of the General Manager of the Railways, who is unable to attend, the proposals for the new line cannot be considered. The General Manager will be requested to produce estimates of the cost of his proposal, to be considered at a later meeting.

With regard to the question of the disposal of the profits from the Petach Tikvah branch railway, the Treasurer is of opinion that under the agreement, net revenue derived from this line should be funded, the repayment of the capital being interpreted to be the capital of the Railways, namely, £E.52,251, and the authorisation of the Jewish Colonisation Association to collect at the end of each year the surplus revenue relating to annual profits operating only after amortization of the debt.

The Attorney General disagrees with this interpretation of the contract, which he points out was framed on the understanding that the sum of £E.20,000 advanced by the Colonists would constitute the whole capital of the branch line, whereas the Government had found it necessary to advance a further sum of £E.33,000.

The Council decides that the actual interest paid by the Government on the sum advanced by it should be the first charge against the profits, interest on the capital advanced by the Colonists being paid thereafter subject to the land being transferred within a specified time.

The Attorney General will consult the Representative of the Colonists with a view to rendering the terms of the agreement more definite, any proposed modification being referred to the Treasurer.

3. The Council is of opinion that Mr. Hill acted improperly in entering into an agreement with a tailor with a view to opening a business in Jerusalem. Before considering what action should be taken Mr. Hill should be called upon to submit an explanation.

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Petach Tikvah
Railway.

Breach of
Regulations -
Mr. Hill.

Proposed
Amendment of
Title Deed
(Kushan).

4. It has been proposed that the notice which appears on the present Kushan that no guarantee of title is given should be omitted as it is liable to cause excessive apprehension on the part of persons who are invited to invest in Palestine Credit Institutions lending money on mortgage security.

His Excellency decides, Council agreeing, that it might create a false impression if the notice were omitted from Kushans issued in future; the words in question would, therefore, be retained with the addition of words drawing attention to the appropriate section of the Ordinance.

Rents of
Sharia Courts.

5. The Council decides that it is not possible to press the Supreme Moslem Council to accommodate Sharia Courts in Wakf buildings free of rental.

Religious sites
at Acre.

6. The Council decides that the non-Moslem Communities should be informed that if within the next two years they can show that they have funds sufficient for the erection of adequate buildings, the Government will consider the grant of the necessary land.

Taxation of
Tourists.

7. The Council decides that this proposal should not be proceeded with at present.

Government co-op-
eration in proposed
repairs to the Aksa
Mosque.

8. The Council approves, in principle, of the co-operation of Government officers on an advisory committee, if desired by the Supreme Moslem Council.

Minutes read and confirmed.

Herbert Samuel

HIGH COMMISSIONER.

April 6th 1924

MINUTES OF THE EXECUTIVE COUNCILTWENTIETH MEETING.HELD AT GOVERNMENT HOUSE ON21st February, 1924.

Present: His Excellency the High Commissioner
The Right Honourable Sir Herbert Samuel;
Sir Gilbert Clayton, Chief Secretary;
Mr. N. de M. Bentwich, Attorney General;
Mr. S.S. Davis, Treasurer.

Minutes of the previous Meeting are
read and confirmed.

Petach-Tikvah Rail-
way. General Manager
Palestine Railways
in attendance.

1. The General Manager places before the Council approximate estimates of the cost of the proposed diversion of the main line between Haifa and Egypt, from Ras-El-Ein to Tel-Aviv taking in Petach-Tikvah, which would result in increased traffic and a considerable saving in train mileage and general working. He states that the cost is approximately estimated at £E.81,000; if prison labour is available the cost would be reduced to £E.67,000. This estimate includes additional expenditure on the station at Tel-Aviv and a substantial sum for the expropriation of land.

The General Manager states that a saving of about £E.5,000 could be expected on the expenditure on reconstruction of bridges on the existing line, which would not be necessary if the proposal were carried through.

The Treasurer suggests that the colonists who have advanced the sum of £E.20,000 on account of the present Petach-Tikvah line be approached with a view to getting them to surrender the amount to the Government since its repayment from profits is impracticable.

The General Manager states that the diversion of the line would make practically no difference in the time taken for the journey between Syria and Egypt;

there would/

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there would be about half an hour saving in the time taken between Jaffa and Jerusalem, as the present long wait at Lydda would be eliminated. The cost of obtaining closer estimates for this proposal would be about £E.500.

The Council decides that detailed estimates should be proceeded with, and that the acceptance of the scheme subject to the Secretary of State's approval should be conditional upon the surrender of the necessary land and the capital already advanced, namely, £E. 20,000, by the Petach-Tikvah Colonists.

Hejaz Railways.
General Manager
attendance

2. The General Manager states that he has been requested to do certain work and supply a train for the Hejaz Railway to take King Hussein to Medina. He states that this Railway already owes the Palestine Railways £E. 1,200 and he has informed the Chief British Representative that he is unable to undertake this work, unless a deposit of £E.5,000 is made. The Council confirms the decision of the General Manager of the Railways.

Ottoman Law
regarding
strikes.

3. The attention of the Chief Secretary has been drawn to the fact that the Ottoman Law prohibits the formation of a trade union, among the employees in any public services such as railways, etc.

His Excellency states that it is undesirable to prohibit the formation of trade unions and decides, the Council agreeing, that an intimation might be given to the effect that action under this Article would not be taken by the Government against persons forming a trade union.

Minutes read and confirmed.

Herbert Samuel

HIGH COMMISSIONER.

March 13th 1924

MINUTES OF THE EXECUTIVE COUNCILTWENTY FIRST MEETINGHELD AT GOVERNMENT HOUSE ON13th March, 1924.

Present: His Excellency the High Commissioner
the Right Honourable Sir Herbert Samuel;
Sir Gilbert Clayton, Chief Secretary;
Mr. N. de M. Bentwich, Attorney General;
Mr. S.S. Davis, Treasurer.

Minutes of
previous Meeting.

Estimates of the
Department of
Education 1924-25.
In attendance
Mr. H. Bowman.

1. The minutes of the previous meeting are read and approved.

2. The Treasurer presents a general statement indicative of the financial stringency with which the Government is likely to be faced in the coming financial year. In view of the situation revealed in the statement, it is agreed that the amount estimated by the Director of Education, namely, £E.113,000, is in excess of any provision that can be made. The Treasurer emphasizes his inability to agree to any estimate for the Department exceeding £E.90,000.

Council notes that the actual expenditure in the present financial year for the Department of Education is £E.93,000. The Director of Education is instructed to revise his estimates, in so far as possible avoiding the closure of existing schools and classes, and with particular reference to the following principles of revision :-

1. All teaching posts to be examined with a view to regrading so as to effect a reduction in the number of posts on the higher grades.
2. A direct saving of £E.400 (by the deletion of teaching posts) to be shown to cover the expenditure on the four Palestinian scholars at the American University, Beirut.
3. The suggested provision for six additional scholars at Beirut to be deleted.
4. The provision for grants-in-aid for the building of schools by local educational committees to be deleted.

5. The /

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5. The subvention to the Tulkarem Agricultural School to be reduced to £E.100, apart from any sum provided in the estimates of the Department of Agriculture.
6. The rate of increment to teachers, etc., in Grades III, IV, V and the apprentice Grade of the Junior Service to be calculated, from the 1st of April, 1924, as £E.6 in lieu of the present rate of £E.12.

Council agrees that the Treasurer's proposal to diminish incremental rates in certain Grades of the Junior Service, and to reduce the maximal and minimal salaries of the Grades of the Junior Service should be accepted and applied generally throughout the Administration, beginning from the 1st of April, 1924, and that the Secretary of State be asked by telegram to approve it.

Payment of rental
by Resident Masters,
Department of Education
in attendance
P. H. Bowman.

3. Council is asked to decide whether rental payment should be made by resident head masters and house masters of the Government Training Colleges. It is agreed that, in view of the additional responsibility which these masters are expected to assume after normal school hours, and the limited accommodation with which they are provided, no rental charge be imposed upon them. This decision confirms the present practice.

Request for grant
by Board of Higher
Studies.

4. An application from the Board of Higher Studies for a grant of £E.100 is placed before the Council. The grant is asked for as an exceptional measure to pay for the printing of prospectuses and examination papers, for examiners' fees, etc., for a matriculation examination to be held in July under the auspices of the Board.

Council notes that the Board, in its original negotiations with Government, stated that it did not ask for any financial assistance. The Council therefore decides that a letter be written to the Board referring to the original negotiations and explaining that Government assistance is still unavailable.

Exemption from
customs Duties:
Upat Cholim.

5. The Palestine Zionist Executive has applied for the anticipatory application to consignments of drugs, medical equipment, etc., for the co-operative Medical Organisation of the Federation

of Jewish/

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of Jewish Labour in Palestine (Kupat Cholim), of the provision in the Schedule of Exemptions now before the Secretary of State, for the exemption from Customs of such articles when **imported** by Mutual Benefit Societies.

Council agrees that this application be granted, in view of the intention expressed in the discussions on the Schedule of Exemptions that in the interval before its promulgation exemption should, exceptionally, be authorised by Council in respect of consignments not heretofore allowed exemption but to be exempted in the future under the provisions of the Schedule.

Post on Goods
filed to Khedera.

6. The Committee of the village of Khedera has asked that surcharge be collected by the Palestine Railways on the freight of all goods consigned by rail to or from the Colony, in order to provide a fund out of which the Colony might meet the charge of interest and amortization of a loan which it is endeavouring to raise for the construction of a road from the Colony to the station.

Council is averse from adopting the principle of a surcharge of this sort, and decides that the Colony be advised to levy a special temporary rate on all inhabitants of the Colony. Authority for levying such a rate would be taken in an Order constituting a Local Council at Khedera.

Expatriation
allowance.

7. The question is raised of the eligibility to expatriation allowance of officers who have opted for Palestinian nationality or who have taken up their residence in Palestine permanently. The particular case is that of Mr. H. Becker, Assistant Engineer, Jaffa. Mr. Becker has declared in a letter that his home is permanently in Palestine, and it was in view of this declaration, largely, that Mr. Becker's claim to retention in Government was regarded as stronger than those of other officers in the Department of Public Works whose retrenchment was under consideration at the same time as his.

The definition of expatriation allowance in the draft Pensions Ordinance is :-

"A special addition to such salary granted to the holder, for the time being, of the office, if he is not a native of, or permanently domiciled in, Palestine....."

Council agrees/

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Council agrees that under this definition Mr. Becker must, in view of his declaration, be regarded as permanently domiciled in Palestine and, therefore, as not entitled to expatriation allowance. Council notes that in any other future case of a claim to expatriation allowance, the question of the permanent domicile shall determine the issue.

Fidelity
guarantees.

8. Council decides that a Committee be formed to discuss the question of the adoption of a system of mutual guarantees or, alternatively, of personal surety bonds, as a means of assuring Government against loss of moneys by officers who are in charge of Government funds or are financially responsible to Government otherwise. The composition of the Committee will be decided by the Chief Secretary in discussion with the Attorney General and the Treasurer.

Death Sentence on
Haggi Mohamed Younes.

9. Council unanimously confirms the sentence of death passed by the District Court at Jaffa on the 22nd of November, 1923, and confirmed by the Court of Appeal on the 5th of March, 1924, on Haggi Mohamed Younes for murder with premeditation. Council notes with concern the considerable period that has elapsed between the trial by the District Court and the confirmation of the sentence by the Court of Appeal, and decides that the attention of the Chief Justice be drawn to the desirability of a more rapid hearing of such appeals.

Haifa Water Supply.

10. The report on the Haifa water supply by the Committee appointed by Council at its XVIIth meeting on the 10th of January, 1924, is presented. The Committee recommends that the Government finance and execute the enterprise and manage it until such time as the Municipality can take it over, and that, to furnish the capital required for the enterprise, Government accept the loan offered by the Palestine Corporation Limited. The Committee adds that the installation of the water supply should be considered together with the introduction of a modern drainage system in Haifa, and that preliminary investigation, at considerable cost, into the source of the proposed water supply would be necessary.

Council records the view that any capital required for the enterprise would preferably be furnished by Government out of the loan contemplated for the financing of the construction of a port at Haifa.

Council /

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Council decides that the report of the Committee be submitted to the Secretary of State with a note of its opinion on the subject of the provision of the capital for the enterprise.

Werko Rate.

11. The Attorney General explains that at Haifa the Werko rate is collected at a rate in Egyptian piastres or pounds, numerically equivalent to the original pre-war assessment in Turkish piastres or pounds, and it is understood that this principle of exchange by numerical equivalence is likely to be contested. Elsewhere in Palestine, the Werko is collected on an assessment in Egyptian pounds or piastres equal to the exchange value of the original pre-war assessment in Turkish pounds or piastres, calculated according to the scale laid down in an Order dated 18.1.1918. The Attorney General adds that the principle of direct transmutation of values from Turkish to Egyptian currency is applied in the case of other fees and dues which have been continued since the Occupation.

Council decides that the Attorney General prepare a memorandum on the subject, with particular reference to the possibility of collecting the Werko rate throughout on the principle operating in Haifa.

Council further agrees that no reimbursement be made at Haifa in respect of over-payment of Werko on account of the operation of the different basis of calculation applied and also that a short Ordinance be drafted to validate past collections of Werko in Haifa on that basis.

Minutes read and confirmed.

Herbert Samuel

HIGH COMMISSIONER.

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